

Application No.: 10/685,587



Docket No.: GOT-0018

22W
AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sei-no-suke Mizuno

Application No.: 10/685,587

Confirmation No.: 5135

Filed: October 16, 2003

Art Unit: 1773

For: SPARKLING LAMINATE FILM AND
SPARKLING SHAPED ARTICLE

Examiner: K. R. Kruer

REPLY BRIEF

MS Appeals-Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Reply Brief under 37 C.F.R. §41.41 in response to the Examiner's Answer mailed on November 15, 2005.

All arguments presented within the Appeal Brief of November 1, 2005 are incorporated herein by reference. Additional arguments are provided herein below.

In the Examiner's Answer, the Examiner has maintained the rejections of claims 1-6 under 35 U.S.C. §103(a) as allegedly being obvious over Parker et al. (U.S. Patent 4,403,004) in view of Vander Velden et al. (U.S. Patent 5,494,745) and for claim 4, further in view of Sidders (U.S. Patent 4,183,975), since the Examiner argues that the laminate of Parker "*lack nothing essential*," is composed of the claimed "*integral part*," and comprises all claimed elements that are "*essential to completeness*." However, Applicant strongly disagrees with the Examiner's arguments in this regard.

Under U.S. practice, the composition of "*integral*" parts should be determined from the vantage point of the present invention and not from the prior art. Thus, the limitation of "*a backing material integrally bonded to a back surface of said substrate through an adhesive layer*" can only be interpreted as a backing material directly bonded to the back surface of the

substrate through an adhesive layer without a vapor deposited metal layer intervening therebetween. In other words, the vapor deposited metal layer of Parker et al. is considered from the vantage point of the present invention to be “*non-essential*”, “*not essential to completeness*”, or “*a non-integral part*” of the present invention as supported by the teachings of the specification and in particular, FIGS. 1 and 5, of the present application.

As discussed in §2111 of the Manual of Patent Examining Procedure, during patent examination, the pending claims must be "given their broadest reasonable interpretation **consistent with the specification**" *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), i.e. the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, **taking into account whatever enlightenment by way of definitions or OTHERWISE that may be afforded by the written description contained in applicant's specification.**

Since the limitation “*a backing material integrally bonded to a back surface of said substrate through an adhesive layer*” is describe in the specification and shown in the figures as being a backing material directly bonded to the back surface of the substrate through an adhesive layer, Applicant submits that the Examiner’s broadest reasonable meaning of the claims is inconsistent with that disclosed in the specification and drawings.

Applicant also notes that the laminate film of the present claims can be easily shaped by employing a substrate comprised of a polyester-based resin with a high flexibility. A shaped body integrally laminated with the claimed film results in a beautiful appearance without a wrinkle or a blushing of the front film surface. In addition, by providing an acryl-based resin or a urethane-based resin as the transparent resin surface layer of the claimed laminate film, a weather-resistant and beautiful front film surface can be obtained. Such superior features are not at all taught or suggested by the combination of Parker et al., Vander Velden et al., and Sidders. As the Examiner already knows, presence of a property not possessed by the prior art is evidence of nonobviousness. *In re Papesch*, 315 F.2d 381, 137 USPQ 43 (CCPA 1963).

Therefore, for these reasons, a reversal of the Final Rejection of June 3, 2005 is respectfully requested.

CONCLUSION

For at least the reasons set forth hereinabove, the rejection(s) of the claimed invention should not be sustained.

Therefore, a reversal of the Final Rejection of June 3, 2005 is respectfully requested.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: January 12, 2006

Respectfully submitted,

By 

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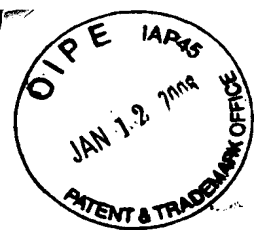
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		First Named Inventor	Sie-no-suke Mizuno
		Art Unit	1773
		Examiner Name	K. R. Kruer
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<div>Remarks</div>		

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Signature			
Printed name	David T. Nikaido/Lee Cheng		
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